



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,048	07/13/2001	Jun Watanabe	275767US6	3441

22850 7590 07/27/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2621

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/905,048	Applicant(s) WATANABE ET AL.	
	Examiner Vincent F. Boccio	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 2-4,6-8 and 10-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2621

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments filed 5/11/06 against amended claims 1, 5, 9 have been fully considered but they are not persuasive.

{A} In re page 11, applicant states, "Yuen merely warns the user of an overlap, Yuen does not disclose or suggest "an overlap warning means", for the purpose of prompting a user to reset priorities of preset programs of the judged overlap stored in memory."

In response the examiner fails to agree, means to generate the message by presenting a visual message, CLASH, reads on the recited, ***overlap warning means for warning (in this case a visual type message generator), by or {and} prompting a visual message, a user, which indicates to the user, to reset the preset program events, generating corresponding priorities for programs, by further action by a user.***

The prompt is a visual CLASH message, to reset or adjust in view of the overlap, a few choices can be made, nothing, recording part of the second program and all of the first or to reset for the second to have the higher priority that the first, all of the second but, some of the first not overlapping, in view of one tuner.

The amended language fails to distinguish Yuen from the present claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill

Art Unit: 2621

in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (US 5,307,173).

Regarding claims 1, 5, 9 and the rejection against the claims is incorporated by reference the examiner will address the amended part of the claims.

Claim 1 recites,

"overlap warning means for warning of any overlapping preset programs that are judged to exist", is met by the means to generate the message being a visual message.

The means in which the message is presented, in this case a visually presented message on the display, to a user, meets this limitation.

Claim 1 has been amended to further recite,

"and for prompting a user to reset corresponding priorities of preset programmed of the judged overlap".

This amended to limitation is met by, the message itself see Yuen, the visual message, "CLASH", appears, Yuen.

Regarding claims 5 & 9, also read on Yuen, as amended, wherein previously existing claim language recites,

Art Unit: 2621

"warning of any overlapping preset programs that are judged to exist",

by,

"prompting a user to reset corresponding priorities of preset programs of the judged overlap."

The warning is met by means to visually prompt a user or the means to facilitated or present a message in this case met by, a visual text message prompted, on the display.

This added claim language is deemed met by Yuen by the warning by means or the step of prompting a user with a message on the screen, met by the text visual message itself, "CLASH", met by Yuen.

Prior Art Deemed Relevant To Applicants Disclosure

Nagano et al., "SONY CORP.", US 6,240,240, filed 10/1996, with FP of 10/1995 & 12/1996, PUB would be B references.

To assist in what is known in the art the examiner cites, Figs. 15 A & B, Fig. 15 A can be considered to be a warning screen, thereafter the user selects, Keys setting or resetting a first set priorities to another set priorities, between the 4 presented windows changing the priority settings, each screen is prompted the first is a warning, which a CURSOR FLICKERING Fig. 15 A to next screens all deemed manipulated and presented or prompted.

The examiner did not deem the amendment overcame Yuen but, since the reference has been located the examiner would like to bring this reference to the attention of applicant to help overcome the known prior art, known to the examiner, deemed relevant to a next possible amendment, to assist in compact prosecution manner.

Art Unit: 2621

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Fax Information

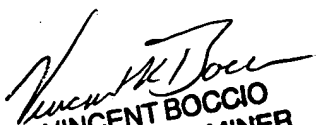
Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry, this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
7/22/06


VINCENT BOCCIO
PRIMARY EXAMINER